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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/705,559	11/02/2000	Joseph A. McCluskey	31083.048001	8707

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EXAMINER

KYLE, CHARLES R

ART UNIT	PAPER NUMBER
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3624

DATE MAILED: 02/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/705,559

Applicant(s)

MCCLUSKEY ET AL

Examiner

Charles R Kyle

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 02 November 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Drawings*

The drawings as submitted are approved.

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claim 1** is rejected under 35 U.S.C. 103(a) as being unpatentable over US 2001/0044758

*Talib et al.*

As to **Claim 1**, *Talib* discloses the invention substantially as claimed, including in a method for providing a customer with information regarding a product (Summary of the Invention), the steps of:

Receiving an electronic request for information for the product (Para. 19, lines 4-5);

Searching a database to determine if the database contains information for the product (Para 19, lines 5-10);

If the database contains information for the product, sending an electronic message to the customer containing selected information for the database corresponding to the product (Para. 19, lines 10-15).

If information is not found for the product, performing a subsequent search to gather information for the product (Figs. 10 and 11; Paras.120-146), sending the gathered information

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in an electronic message to the customer (Para. 19) and adding gathered information to the database (Para. 6).

*Talib* does not specifically disclose a sourcing agent to perform an offline search to gather information unavailable in the database.

Official Notice is taken that requesting sourcing agents to perform offline searches for products is old and well known in the art. For example, the job of a purchasing agent is to perform exactly this function of searching, which requires familiarity with suppliers and product availability.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of *Talib* to include further offline searches for products because this would have made use of the specific skills of purchasing agents and improved the likelihood that the customer would receive the desired product information.

**Claims 2-4** are rejected under 35 U.S.C. 103(a) as being unpatentable over US 2001/0044758 *Talib et al* in view of US 5,842,178 *Giovanolli*.

**Concerning Claim 2**, see the discussion of Claim 1. *Talib* does not specifically disclose that a forwarded request is a request for quotation (RFQ). *Giovanolli* discloses forwarding RFQs to potential sellers at Col. 2, line 56 to Col. 3, line 8. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the product information search of *Talib* to forward the RFQs disclosed by *Giovanolli* because this would

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have provided a breadth of pricing information as described by *Giovanolli* at Col. 2, lines 12-35 and set forth below:

*In all of the above cases the vendors responding to the buyers request regarding a particular good or service are either the service provider or a vendor with whom the service provider is involved in another business relationship such as advertisers in a common publication or affiliated insurance carriers. These select vendors provide the product and pricing information supplied by the system to buyers. These systems have no capacity to offer an unlimited number of goods and services from any number of vendors who wish to become members of the system. This would require an unrealistically large central database containing information about products, services and vendors. Each vendor would be required to provide detailed information to the central database about its product lines and would be required to update them daily. Accordingly, existing systems are very specialized electronic buying services with a limited selection of goods, services, and vendors. In addition, buyers wishing to sell surplus inventory from time to time cannot use these systems for that purpose.*

*The present invention is analogous to a cross between telephone and broadcasting technologies. It is this difference which creates the opportunity for buyers to relate to vendors without a rigid structure operating through a centralized computer database as required by existing methods.*

**With respect to Claim 3,** *Giovanolli* further discloses preparation of an RFQ at a prompt by a customer at Col. 7, line 67 to Col. 8, line 2. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide such a prompt to indicate to the customer the option of preparing an RFQ.

**As to Claim 4,** *Talib* discloses the use of the Internet for information requests at Paras. 71-78, at least.

**Concerning Claim 5,** *Giovanolli* discloses forwarding electronic requests as e-mails at Col. 4, line 4-52. This would have been an obvious modification of the invention of *Talib* because it would have provided a familiar and inexpensive way to convey requests.

**Claims 6-10** are rejected under 35 U.S.C. 103(a) as being unpatentable over US 6,366,906 *Hoffman* in view of US 5,842,178 *Giovanolli*.

**Concerning Claim 6**, *Hoffman* discloses the invention substantially as claimed, including in a method of sourcing information, the steps of:

Receiving an electronic request for information (Fig. 4, ele. 428; Col. 6, line 12 to Col. 7, line 8);

Comparing the electronic request against a set of predetermined rules to determine a sourcing agent to which the electronic request is to be routed (Fig. 7, element 718; in this instance the predetermined rules are the selectable search engines compared to the nature of the electronic request, e.g. a request for patent information would sensibly determine the “PTO Patent Search” engine, the sourcing agent);

Automatically routing the electronic request to the sourcing agent determined to be appropriate by the step of comparing the sourcing agent performing a search to find a source for the information specified in the request (Fig. 4, ele. 426).

*Hoffman* does not specifically disclose that the request for information is a request for quotation (RFQ) for a product. *Giovanolli* discloses an automated method for requesting RFQ information from selling sources at Summary of the Invention. It would have been obvious to one of ordinary skill in the art at the time the invention was made to expand the method for determining sourcing agents of *Hoffman* to obtain the RFQ information disclosed by *Giovanolli* because this would have allowed targeting RFQs to most suitable suppliers after sourcing agents were determined by comparison to the RFQ information.

**With respect to Claim 7,** *Giovanolli* discloses the comparison of predetermined product descriptors as “A Category of Items” at Fig 8A. See also Fig 8A, “Product Category”. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the search method of *Hoffman* to use the predetermined product descriptors of *Giovanolli* because this would have provided most usable search terms and so speed information retrieval.

**Concerning Claim 8,** *Giovanolli* discloses the use of e-mail to forward RFQs at Col. 4, lines 49-52. The use of this type e-mail in the method of *Hoffman* would have been obvious as an inexpensive and rapid element of obtaining RFQs.

**Concerning Claim 9,** see the discussion of Claim 6. Claim 9 recites a computer readable medium to perform the method of Claim 6; *Hoffman* discloses such a computer readable medium for method execution at Col. 12, lines 31-42.

**As to Claim 10,** *Giovanolli* discloses sending the source for a product specified in an RFQ to the RFQ originator at Fig. 8, “Vendor Name”.

**Claims 11-16** are rejected under 35 U.S.C. 103(a) as being unpatentable over US 2001/0044758 *Talib et al* in view of US 6,366,906 *Hoffman*.

**As to Claim 11,** *Talib* discloses the invention substantially as claimed, including in a method for providing a customer with information regarding a product (Summary of the Invention), the steps of:

Receiving an electronic request for information for the product (Para. 19, lines 4-5);

Searching a database to determine if the database contains information for the product (Para 19, lines 5-10);

If the database contains information for the product, sending an electronic message to the customer containing selected information for the database corresponding to the product (Para. 19, lines 10-15).

If information is not found for the product, performing a subsequent search to gather information for the product (Figs. 10 and 11; Paras.120-146), sending the gathered information in an electronic message to the customer (Para. 19) and adding gathered information to the database (Para. 6).

Applicants' claim implies, but does not specifically state that a new database is searched utilizing a new search strategy. *Talib* does not specifically disclose this limitation. *Hoffman* discloses such new database search at Fig. 7, ele. 718 and Col. 8, lines, 45-58. Note that each of the search engines selectable would search different databases. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have broadened the product search disclosed by *Talib* by searching additional databases disclosed by *Hoffman* because this would have given a greater search area and increased the likelihood that the customer would receive relevant information from subsequent searches.

**With respect to Claim 12**, see the discussion of Claim 11 and *Hoffman* further discloses an option to authorize a further search at Fig. 4, elements 424. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the authorization for further, different searches of *Hoffman* in the catalog search of *Talib* because this would have facilitated the retrieval of product information sought by the customer.



**With respect to Claim 13,** *Talib* discloses the invention substantially as claimed. See the discussion of Claim 1 above. *Talib* further discloses an electronic catalog having product information (Abstract), a second component allowing search of the catalog for product information (Figs. 5 and 6; Paras. 96-102) for quotation for a product ("price", Paras. 48-52). *Talib* does not specifically disclose access, absent catalog data, to a first component which accepts the quotation request and routes the request to a sourcing agent determined by the first component to be appropriate for finding a source for the product not found in the catalog. *Hoffman* discloses this feature as the routing of a request (Fig. 4, ele. 426) to a sourcing agent determined by a component to be appropriate for finding a source for a product (Fig. 7, element 718; in this instance the predetermined rules are the selectable search engines compared to the nature of the electronic request, e.g. a request for patent information would sensibly determine the "PTO Patent Search" engine, the sourcing agent).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the electronic catalog of *Talib* with the addition of a component to route requests to an appropriate source for a product quotation as disclosed by *Hoffman* because this would have efficiently obtained quotations for non-cataloged products by selecting sourcing agents most capable of finding product quotation information.

**As to Claim 14,** *Talib* does not specifically disclose third party maintenance of an electronic catalog and search component on a web server, although *Talib* does disclose that a web page is used for searching of product databases at paras. 109-112.

Official Notice is taken that service by third party contractors is old and well known in the business arts. For example, contracting out of accounting and database management allows an organization to concentrate on its core mission.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of *Talib* to include third party support of catalog services because this would have relieved the seller of catalog maintenance and search support functions and freed it to concentrate on those things it did best, making and selling products.

**Concerning Claim 15**, *Talib* does not specifically disclose a single portal for all catalog and broadened search functions.

Official Notice is taken that a unified entry point for web related functions is old and well known in web technologies. For example, provision of a single, centralized portal for database search makes search simpler for a user by allowing search of multiple databases at once.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of *Talib* to include a single portal for catalog and extended search because this would provide convenience and speed of search to the customer.

**Concerning Claim 16**, see the discussion of Claim 15 and note the greater efficiency of a single web server as compared to having components spread among many locations.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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US 6,330,542 B1	12-2001	Sevcik et al.
US 6,651,052 B1	11-2003	Westphal
US 6,115,641 A1	09-2000	Brown et al.

These references are cited for their relevance to network information retrieval and price quotation.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles R. Kyle whose telephone number is (703) 305-4458. The examiner can normally be reached on M-F 6:00-2:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent A Millin can be reached on (703) 308-1065. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-7687.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Examiner Charles Kyle



crk  
February 2, 2004